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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUANITA JOAN GOIN,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

3:18-cv-207-HDM-WGC

ORDER

On February 15, 2019, Judge Cobb issued a report and recommendation. He recommends that this Court grant Goin's motion for reversal and remand, deny the Commissioner's cross-motion to affirm, and remand this case for further administrative proceedings, consistent with his report and recommendation. The time to object to the report and recommendation has expired, and the parties have filed no objections.

The Court accepts and adopts the report and recommendation. Local Rule IB 3-2(b). Thus, Goin's motion for reversal and remand is granted, the Commissioner's cross-motion to affirm is denied, and this case is remanded for further administrative proceedings.

1 On remand, as set forth in the report and recommendation, the ALJ
2 shall:

- 3
- 4 • Determine whether Plaintiff met or equaled Listed
5 Impairment 1.04C;
 - 6 • Determine whether there are legally sufficient reasons for
7 rejecting portions of the opinions of Plaintiff's treating
8 doctors, Drs. DeMordaunt and Rappaport;
 - 9 • Determine whether there are legally sufficient reasons for
10 rejecting certain of Plaintiff's subjective-symptom
11 statements;
 - 12 • Determine whether a significant number of jobs would be
13 available with Plaintiff's restriction of having to
14 alternate between sitting and standing for five minutes
15 every hour, including analysis on whether the number of
16 jobs is significant either nationwide or regionally; and
 - 17 • Resolve the ambiguity between Dr. DeMordaunt's opinion
18 that Plaintiff can bend from the lumbar spine occasionally
19 and Dr. Rappaport's opinion that Plaintiff should avoid
20 bending altogether. And if Dr. Rappaport's opinion is
21 found to be supported by substantial evidence and not
22 contradicted by earlier opinions by others, determine
23 whether an inability to stoop precludes sedentary work.

24 After making appropriate findings, the ALJ shall issue a new
25 decision on plaintiff's claim of disability.

26 **IT IS SO ORDERED.**

27 DATED: This 18th day of March, 2019.

28 

UNITED STATES DISTRICT JUDGE